

USSN 09/719,410  
Atty Docket No. 0206-UTL-9

### REMARKS

Applicants acknowledge and thank the Examiner for the allowance of claims 44-46 and 48-58 in the Office Action of June 30, 2005.

In the Office Action of June 30, 2005, claims 10, 17, 18, 22-24, 31-38 and 41 were rejected under 35 U.S.C. 102(b) and claims 10, 17, 18, 22-24, 31-34, 36-38 and 41 rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Byrne et al., *Diabetes*, 46(Suppl 1):33A, Abst 0127, May 1997. While not agreeing to the rejection, but to speed issuance of the allowed claims, Applicants have cancelled claims 10, 17, 18, 22-24, 31-38 and 41, without prejudice to pursue the subject matter of those claims in a related application. With the cancellation of the claims, the rejection under 35 U.S.C. 102 is moot.

In the Office Action, claims 10-38 and 41 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Byrne et al., *Diabetes*, 46(Suppl 1):33A, Abst 0127, May 1997 in light of International Patent Application Publication No. WO 98/08531. While not agreeing to the rejection, but to speed issuance of the allowed claims, Applicants have cancelled claims 10-38 and 41, without prejudice to pursue the subject matter of those claims in a related application. With the cancellation of the claims, the rejection under 35 U.S.C. 103(a) is moot.

With this response all claims have been cancelled without prejudice except those claims that the Examiner has already determined to be allowable. Applicants therefore respectfully request issuance of a Notice of Allowance at the Examiner's earliest convenience. If the Examiner has any questions regarding the patentability of any of the remaining claims, the Examiner is encourage to call the undersigned at the telephone number below.

No fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

*[NOTE: Change above deposit account language if a petition for extension is included with this response.]*

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Respectfully submitted,  
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Dated: 30 SEP 2005

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